

Received & Inspected

JAN 18 2012

FCC Mail Room

Office of the Secretary
Federal Communications Commission
Disability Rights Office
Room 3-B431
9300 East Hampton Drive
Capitol Heights, MD 20743

January 16, 2012

Re: Petition for Undue Burden Exemption from Closed Captioning Rules for the Schulhof Marketing Group, Inc.

Dear Sir/Madam:

This letter Petitions your Office for an Exemption on behalf of Schulhof Marketing Group, Inc. in Fishers, Indiana from the FCC's closed captioning rules based on Undue Burden. The original and two copies of this letter and all support are being provided. If there is additional information desired, please contact me and I will most assuredly supply it to you, promptly.

I am the Owner of Schulhof Marketing Group, Inc., a small real estate company which began operations in 2006. The company consists of me, two full time licensed real estate agents, an office staff person and two part time agents who work intermittently about 40 hours per month.

The business is operated out of a small renovated house, zoned for office use in Fishers, Indiana which is a suburb of Indianapolis.

As is generally known, the current recession resulted from a significant down-turn in the real estate market and a substantial number of firms, such as mine, have failed during the past two years. Others, including mine, have struggled to survive and to do so have needed to find ways to differentiate themselves in the marketplace by finding unique ways to advertise and refine their operations to be more and more cost efficient.

Some efforts to do so are successful and others, while believed to have merit, ultimately fail to generate interest on the part of potential clients; and those efforts that fail sometimes are very financially expensive losses.

About a year ago, I became aware of a marketing effort, the production and broadcast of a 30 minute television program that had been relatively cost efficient and successful in another part of the country. After extensive research, I decided to implement that effort, if possible. I contacted several local television broadcasting stations in central Indiana and was able to negotiate a contract that was financially bearable at its initial stage.

I have produced a weekly 30 minute program called "The IndyPlace Show". The program is an advertisement of the homes I represent for sale in the northern suburbs of Indianapolis. The 3 to 4 minute video "walk through" of a home shows its features and, very relevant to the merits of this Petition, at the bottom of the screen, we highlight in a banner, the home's price, address and general features, such as the numbers of baths and bedrooms, and other features that are present in the home. I produce the program with the assistance of an independent video production person to whom I pay a fee, and it is viewed by the public in central Indiana over the facilities of WHMB-TV.

One benefit that the banner does provide is that it does allow an individual who would otherwise require closed captioning the ability to see the home, its address, price and its features which is a reinforcement of the "meat" of the audio content. What would be missed by one needing the captioning is mostly what I would call the fluff in my narrative during the "walk through".

I pay the broadcasting TV station \$400 per week to broadcast the program.

Because the economy had not improved and I was still struggling to keep the business viable, I initiated a search for sponsors of the program as I could not financially continue with the Broadcast. I contacted a large number of potential sponsors who had connections with the real estate business and turned me down. Ultimately, I was fortunate to find a sponsor that was willing to contribute to the cost of the broadcast as a sponsor; however, the sponsor insisted that it be included other marketing I do, thus they are advertised on not only the show, but in other mediums. Based on the experience of that search, I am satisfied that I would not be able to retain a second sponsor to support the added cost associated with adding Closed Captioning to the broadcast. Accordingly, if this Petition for Exemption is not granted, it will be necessary for me to terminate the production and broadcast of the weekly program which would, in turn, further jeopardize the future of our business.

The uncontrollable costs to run the business have continued to grow and revenues have not kept up with those increases. I have taken all of the steps available to me, including the elimination of one position in the office (most of the work of which I have absorbed) to eliminate controllable costs including what I take from the business as compensation as the owner of the business and for my investment in it. That compensation is currently less than \$25 per hour after subtracting my costs for health insurance (only catastrophic) and disability and life insurance which is necessary to protect my minor son and is required by the supplier of my credit line.

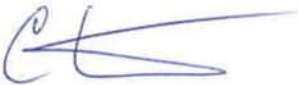
I do not have any other place to economize without jeopardizing the viability of the business. It is therefore necessary for me to present this Petition for Exemption from the Closed Captioning Rules:

1. We do not have the financial resources to caption the program ourselves. Our research has determined it would cost \$5,000-8,000 to purchase the necessary equipment and we are unable to take on that cost at this time.

2. Being a very small office, production of the program is done by me and one other person and the additional expertise and manpower to caption each program is not available at a price that is affordable.
3. We've also explored outsourcing closed captioning services. This would cost an additional \$250 per week or \$13,000 per year. That 63% additional cost for captioning would make production of the program unaffordable and even if it were affordable, the time needed for captioning would make meeting WHMB-TV's air date deadlines difficult, if not impossible.
4. WHMB-TV does not provide closed captioning and has said it is unlikely to do so in the foreseeable future because of the additional time and staff that would be required.
5. From my experience in attempting to secure a sponsor for the program, I am confident that any further attempt to solicit sponsorships to pay for the cost of closed captioning would not be successful.

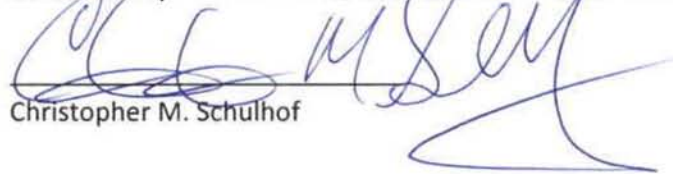
Finally, as stated above, a benefit of the banner that is visible during the video tour of the homes in the programs is that it does allow an individual who would otherwise require closed captioning the ability to see the home, its address, its price and its features which is a reinforcement of the "meat" of the audio content. What would be missed by one needing the captioning would be the extraneous audio which adds to the show but does not include the critical information that is already included in the banner. Accordingly, I believe the current program, without the closed captioning feature but with the banner and its contents which have been described, above, addresses and meets the need that is served by the requirement for closed captioning.

Respectfully submitted,




Christopher M. Schulhof
Owner, The Schulhof Marketing Group, Inc.

Comes now Christopher M. Schulhof, being first duly sworn, and says that the contents of this 3 page letter to the Federal Communications Commission's Disability Rights Office, dated January 16, 2012, hereinabove, are true and correct to the best of his knowledge and belief.



Christopher M. Schulhof

Subscribed and sworn to before me, a Notary Public, this 17th day of January, 2012.



Notary Public

My Commission Expires: 9/20/2012





Chris Schulhof
Owner
Schulhof RE/MAX Realty Services
11478 Lantern Road
Fishers, IN 46038

January 10, 2012

Mr. Schulhof,

This letter is in response to your request for LeSEA Broadcasting to research the process and cost associated with closed captioning your television program that currently airs on WHMB-TV.

There are two ways to approach this issue:

- Purchase the captioning software/hardware and do the closed captioning yourself. Research by both the WHMB-TV production and engineering staffs has discovered the cost of this equipment will be in the \$5,000-8,000 range. The CC process involves multiple steps. First, the program must be transcribed word-for-word into an electronic document. Second, the script is entered in the CC software. Third, the software drops the script onto a timeline of the program. Fourth, the program can then be outputted with the embedded CC. In our experience, we've noted that it takes 4-6 hours to CC a 30-minute program such as yours.
- Outsource the closed captioning to an outside provider. Again, we've researched this solution and have discovered the cost to be approximately \$250 per program.

WHMB-TV does not currently offer in-house closed captioning services. Because closed captioning is such a labor-intensive process, we would have to hire additional staff to perform this task and that is not economically feasible at this time.

I hope this information answers your questions about the closed captioning process and the associated costs. Please don't hesitate to contact me with any further questions.

Sincerely,

Bob Poplin
Bob Poplin
WHMB-TV